

ADVICE LETTER SUMMARIES

JULY 2008

Campaign	
Ben Davidian Law Offices of Ben Davidian Dated: July 16, 2008 File Number I-08-104	<p>A county supervisor is advised that when a payment is made from the supervisor's campaign account for a mailer, and the mailer is sent, by mistake, to registered voters in another district in which the supervisor is not running, the supervisor has made a campaign expenditure that is reportable as such on Schedule E of the Form 460. If the payment is returned uncashed, or the check is cashed but a whole or partial refund is provided, neither the returned check nor the whole or partial refund is a contribution to the candidate, but the amount must be reported as a miscellaneous increase to cash on Schedule I of the Form 460</p>
David Morton County of San Diego Dated: July 1, 2008 File Number A-08-108	<p>In connection with an August 26, 2008, mail ballot election, the County of San Diego requested a filing schedule. If the semi-annual and first pre-election statements are not combined, the semi-annual statement covering the period through June 30, 2008, would be filed on July 31, 2008, which is after the first pre-election statement is required. Therefore, the combined first pre-election/semi-annual statement is due by July 17, 2008, and covers the period of January 1, 2008 through July 12, 2008.</p>
Susan Orman County of Monterey Dated: July 1, 2008 File Number A-08-110	<p>In connection with an August 26, 2008, mail ballot election, the County of Monterey requested a filing schedule. If the semi-annual and first pre-election statements are not combined, the semi-annual statement covering the period through June 30, 2008, would be filed on July 31, 2008, which is after the first pre-election statement is required. Therefore, the combined first pre-election/semi-annual statement is due by July 17, 2008, and covers the period of January 1, 2008 through July 12, 2008.</p>
Christina Avila Orange County Registrar of Voters Dated: July 15, 2008 File Number I-08-115	<p>This letter discusses when the second pre-election campaign statement has been filed using a guaranteed overnight delivery service and by facsimile transmission.</p>
Conflicts of Interest	
Betsy Bechtel Foothill DeAnza Community College District Dated: July 16, 2008 File Number A-08-095	<p>The Trustee of a Community College District, who is a director of a local private bank, has a disqualifying conflict of interest in a Community College Board vote to ratify a District check payable to that bank.</p>
Councilmember Michael Villalta City of Los Banos Dated: July 9, 2008 File Number I-08-100	<p>City Attorney sought advice as to whether a councilmember may participate in decisions regarding a proposed annexation that would include a cemetery board district from which the official receives a stipend. Based on</p>

	the facts provided, official does not appear to have any economic interest that would present a conflict of interest in participating in the proposed annexation decisions.
Arnold M. Alvarez-Glasman Montebello City Attorney Dated: July 22, 2008 File Number I-08-102	City attorney requested information about his own potential conflict of interest and his ability to advise the Montebello city council and redevelopment agency. Staff advised that if the decisions that come before the city council and redevelopment agency on which the city attorney would be advising can be segmented from the decisions on matters that are within 500 feet of his property, he can likely advise. If, however, the decisions cannot be segmented, and the city attorney does have a disqualifying conflict of interest, he can appoint another attorney from his office, provided he does not influence that attorney's advice.
John W. Stovall Reclamation District No. 1608 Dated: July 16, 2008 File Number A-08-112	Despite the fact that a trustee's economic interest in real property was only indirectly involved in a governmental decision to dredge a slough adjacent to the property, the trustee is prohibited by the Act's conflict-of-interest provisions from making, participating in making, or using his position to influence the decision because special circumstances indicate that the dredging would restore the usability of a boat dock on the property and increase the resale value of the property \$30,000 to \$50,000.
Chad Crowe Dept. of Personnel Administration Dated: July 22, 2008 File Number I-08-113	An employee of the Department of Personnel Administration ("DPA") is advised that the Political Reform Act does not bar him from taking a temporary part-time job with a private employer while remaining employed by DPA in order to complete a project he had previously worked on for the Department of Justice, but that he should check with DPA's counsel regarding incompatible activity policies and other laws.
Councilmember Jim Morton City of Lynwood Dated: July 22, 2008 File Number A-08-114	An assistant city attorney sought advice regarding whether the city may invoke the legally required participation exception to allow a disqualified councilmember to participate in a decision that requires a unanimous vote for approval. The city attorney was advised that the legally required participation exception would apply only if the decision would: (1) require all five councilmembers to vote on the issue and unanimously agree; and (2) there is no alternative means of decision-making other than the city council.
Miscellaneous	
John Garamendi California Lieutenant Governor Dated: July 16, 2008 File Number I-08-089	The lieutenant governor is advised that there are no provisions under the Political Reform Act that would prohibit or restrict the placement of fellows by The California Council on Science and Technology (CCST) in legislative offices and committees. However, any legislator who receives the services provided by a CCST fellow shall report the payment,

	as a behested payment pursuant to Section 82015(b)(2)(B)(iii), within 30 days after the fellow receives \$5,000 in any calendar year.
Revolving Door	
William Padia California Dept. of Education Dated: July 18, 2008 File Number I-08-105	<p>Former state employee requested general information about his options after retiring from the state. Staff informed him of his obligations under the one-year and permanent “revolving door” prohibitions, and advised him to carefully investigate those contracts that come before his potential private company that involve his former agency.</p>

July 2008
Juanita G. Lira